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No. 2 of 2  
Series A



UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER 0774034312	FILING DATE 09730789	FIRST NAMED INVENTOR JONES	ATTORNEY DOCKET NO. 54030
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EXAMINER

NIXON R VANDERHYE  
2200 CLARENDON BOULEVARD  
14TH FLOOR  
ARLINGTON, VA 22201

ART UNIT	PAPER NUMBER
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DATE MAILED:

02/01/90

This is a communication from the examiner in charge of your application  
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 6 month(s), 0 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948.       |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.                 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/> _____   |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-3 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☒ Claims 4 has been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-3 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☒ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☒ been filed in parent application, serial no. 07/099130; filed on 9/8/87.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

FOREIGN GOVERNMENT  
INFORMATION

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EXAMINER'S ACTION

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1. This application contains security classification markings or a request that it be held in a security status. In response to this action, applicant is required to either (1) remove the classification markings ( or the request for security status ), if appropriate, or (2) take the necessary steps to have a secrecy order imposed on the application.

U In order for the response to the office action to be complete, it must (1) for Government owned and prosecuted cases include the imposition of a secrecy order, or (2) for non-Government cases include an indication that ASPAB or an appropriate defense agency has been requested to impose a secrecy order.

C 2. The drawings are objected to because in Figure 1, "VD" should be --YD-- and in Figure 2, lines "P" and "Q" have been omitted (see pages 6 and 7, lines 20 and 23 respectively). Correction is required.

C 3. The disclosure is objected to because of the following informalities: On page 9, line 16, "discriminatingntype" should be --discriminating type.-- Appropriate correction is required.

4. 35 U.S.C. 101 reads as follows:

U "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title".

C 5. Claims 1-3 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-3 of copending application Serial No. 07/099130. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

U 6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

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"A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."

C 7. Claim 1 is rejected under 35 U.S.C. § 102 (b) as being clearly anticipated by Willits et al.

C 8. Claims 1-3 are rejected under 35 U.S.C. § 102 (b) as being clearly anticipated by Thomas et al.

U 9. An inquiry concerning this communication should be directed to Richard W. Wendtland at telephone number 703-557-2042.

**RICHARD W. WENDTLAND**

*Richard W. Wendtland*

Wendtland/ajh/02-21-90

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